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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,468	11/28/2003	Takeshi Saito	246010US2RD	7977

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

HOANG, DANIEL L

ART UNIT	PAPER NUMBER
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2136

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/20/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/20/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/722,468	Applicant(s) SAITO ET AL.	
	Examiner Daniel L. Hoang	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/28/03, 2/26/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, and 12-14 is/are rejected.
- 7) ☒ Claim(s) 5 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/26/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13 and 14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are not patent eligible subject matter because they are directed towards a computer program product comprising of computer program code and thus do not require any physical transformation and the invention as claimed does not produce a useful, concrete, and tangible result.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 4, 6, 7, 10, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 4, 6, 7, 10, and 12, the phrases "capable of" and "configured to" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7-9, and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Okuhara (US Patent No. 6,452,952).

As per claim 1, 7, 13, and 14 Okuhara teaches:

An AV communication control circuit, comprising,

a copyright protection processing unit configured to carry out a copyright protection processing with respect to AV data entered from an AV stream signal line;

[see col. 5, lines 55-61] "a digital information processing system with a copy protection subsystem according to a first embodiment is comprised of a packet stream processor 1, a descrambler 2, a packet demultiplexer 20, an interface 6, a MPEG decoder 8, a video signal decoder 9, and an audio signal decoder 10. The packet demultiplexer 20 includes a PMT extractor 3, a packet selector 4, and a packet format checker 5. The interface 6 is electrically connected to a storage unit 7 through a bus line 21."

a selection unit configured to select either one of AV data entered from an AV stream signal line and AV data entered from a general purpose bus; and

[see col. 6, lines 28-34] "The packet format checker 5 checks the format of the signal S6 (i.e., the selected packet) using the signal S6 is a video or audio format, the packet format checker 5 destroys the signal S6 and prevents the signal S6 from being outputted to the interface 6. If the packet format of the signal S6 is a data format, the packet format checker 5 outputs the signal S6 to the interface 6 as a signal S8."

a transmission control unit configured to carry out control for transmitting AV data selected by the selection unit to a network.

[see col. 6, lines 49-54] "The video signal decoder 9 decodes the video signal S9 to produce an original analog video signal S11. The audio signal decoder 10 decodes the audio signal S10 to produce an original analog audio signal S12. The video and audio signals S11 and S12 are played back or reproduced by a popular video/audio playback system (not shown)."

As per claim 2 and 8, Okuhara teaches:

The AV communication control circuit of claim 1 wherein the copyright protection processing unit carries out the copyright protection processing with respect to AV data entered for which the copyright protection processing has not been carried out before entering the AV communication control circuit, and

[see col. 6, lines 6-11] "The descrambler 2 descrambles the stream S2 of the scrambled, multiplexed video, audio, and data packets and outputs a descrambled stream S3 of the video,

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audio, and data packets to the packet demultiplexer 20. In this embodiment, the descrambled stream S3 of the packets is inputted into the PMT extractor 3 and the packet selector 4."

the selection unit selects either one of AV data entered from the AV stream signal line for which the copyright protection processing is carried out by the copyright protection unit and AV data entered from the general purpose bus for which the copyright protection processing has been carried out before entering the AV communication control circuit.

[see col. 6, lines 28-34] "The packet format checker 5 checks the format of the signal S6 (i.e., the selected packet) using the signal S6 is a video or audio format, the packet format checker 5 destroys the signal S6 and prevents the signal S6 from being outputted to the interface 6. If the packet format of the signal S6 is a data format, the packet format checker 5 outputs the signal S6 to the interface 6 as a signal S8."

As per claims 3 and 9, Okuhara teaches:

The AV communication control circuit of claim 1, further comprising:

a first external connection terminal for receiving AV data from the AV stream signal line and supplying received AV data to the copyright protection processing unit; and

[see col. 6, lines 22-27] "The packet selector 4 selects one of the packets in the descrambled stream S3 according to the applied PID assignment signal S4. Then, the selected one of the packets is send to a video/audio signal output port 22 of the packet demultiplexer 20 as a signal S7 and to a data signal output port 23 thereof as a signal S6."

a second external connection terminal for receiving AV data from the general purpose bus and supplying receiving AV data to the selection unit.

[see col. 6, lines 35-37] "The interface 6 is used for transmitting the outputted signal S8 from the packet format checker 5 to the storage unit 7 as a signal S13 through the bus line 21."

Allowable Subject Matter

Claims 4-6 and 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and rewritten to overcome the 112 rejections set forth in this office action.

CONCLUSION

The following Patents and Pre-grant Publications have been cited to further show the state of the art with respect to copyright protection systems.

US PGP No. 20030070181 which is cited to show an interactive tv client with integrated removable storage system.

US Patent No. 7065141 which is cited to show an image processing apparatus implemented in IC chip.

US Patent No. 6818933 which is cited to show a copyright control system.

US Patent No. 5982887 which is cited to show an encrypted program executing apparatus.

* Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulaney Street
Alexandria, VA 22314


* Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Hoang whose telephone number is 571-270-1019. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Daniel L. Hoang
2/10/07

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2/12/07